

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF OHIO  
WESTERN DIVISION AT DAYTON**

**DRAKE A. EDWARDS,**

**Case No. 3:-08-cv-052**

**Plaintiff,**

**-vs-**

**District Judge Thomas M. Rose  
Magistrate Judge Sharon L. Ovington**

**ARBORS AT DAYTON, et al.,**

**Defendants.**

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**ENTRY AND ORDER OVERRULING EDWARDS' OBJECTIONS (Doc. #4) TO THE MAGISTRATE JUDGE'S REPORT AND RECOMMENDATIONS (Doc. #3); OVERRULING EDWARD'S MOTION TO CONTINUE (Doc. #4); ADOPTING THE MAGISTRATE JUDGE'S REPORT AND RECOMMENDATIONS (Doc. #3) IN ITS ENTIRETY AND TERMINATING THIS CASE**

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This matter is before the Court pursuant to pro se Plaintiff Drake A. Edwards' ("Edwards") objections (doc. #4) to Magistrate Judge Ovington's Report and Recommendations (doc. #3) and pursuant to Edwards' Motion To Continue (doc. #3). Edwards' Application to Proceed with his Complaint *in forma pauperis* was granted and his Complaint has been reviewed *sua sponte* as required by 28 U.S.C. § 1915(e)(2)(B).

Upon review, Magistrate Ovington recommends that Edwards' Complaint be DISMISSED and that Edwards be denied leave to appeal *in forma pauperis*. Magistrate Ovington recommends dismissal because Edwards' Complaint does not reveal a basis upon which this Court can exercise subject matter jurisdiction.

The District Judge has made a de novo review of the record on this matter pursuant to 28 U.S.C. § 636(b) and Fed.R.Civ.P. 72(b). Upon consideration of the foregoing, the Court finds

that Edwards' Objections are not well-taken and they are hereby OVERRULED. The Magistrate Judge's Report and Recommendations is ADOPTED in its entirety. Edwards' Complaint is DISMISSED and Edwards is denied leave to appeal *in forma pauperis* and is denied any requested certificate of appealability.

In addition to objecting, Edwards' response to the Report and Recommendations appears to request a continuance to hire a private investigator. However, this Motion for a Continuance is not well founded because this Court does not have subject matter jurisdiction over Edwards' Complaint. Edwards' Motion for a Continuance (doc. #4) is, therefore, OVERRULED. The captioned cause is hereby ordered terminated upon the docket records of the United States Court for the Southern District of Ohio, Western Division at Dayton.

**DONE** and **ORDERED** in Dayton, Ohio, this Twelfth day of May, 2008.

**s/Thomas M. Rose**

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THOMAS M. ROSE  
UNITED STATES DISTRICT JUDGE

Copies furnished to:

Drake A. Edwards at his last known address